

**REMARKS****Status of the Claims**

Claims 1-18 are currently present in the Application, and claims 1, 7, and 13 are independent claims. Claims 1-4, 7-10, and 13-18 have been amended, and claims 19-21 have been canceled. Support for the amendments is found, for example, in Applicants' specification on page 16, line 14 through page 17, line 18 and page 22, line 22 through page 24, line 5 (also see Figures 6 and 10). No new matter has been added as a result of these amendments.

**Examiner Interview**

Applicants wish to thank the Examiner for the courtesy extended to Applicants' attorney during the telephone interview on March 23, 2007. During the interview, the rejection under 35 U.S.C. § 101 was discussed. The Examiner suggested amending the preamble of independent claim 13 to claim a "tangible computer storage medium containing instructions for execution by a computer." Applicants have made such amendments in this Response. Independent claim 1 was also discussed, with regard to the Fernandez reference (see below for details). Applicants suggested amending independent claim 1 (and the other independent claims) to clarify that if an element has an excluded environment identifier that matches a display environment identifier for a device, then the element is not displayed on the device. The Examiner suggested that Applicants further amend the independent claims to make it clear that at least one of the display environment identifiers for the device is related to the size of the device's display screen. Applicants have made such amendments in this Response. The Examiner indicated that he would perform further searching after receiving Applicants' Response, and therefore, no agreement was reached regarding the claims during the interview.

**Drawings**

Applicants note that the Office Action does not indicate whether the formal drawings, filed with the Application on February 2, 2004, are accepted by the Examiner. Applicants respectfully request that the Examiner indicate whether the drawings are accepted in the next Office Action.

**Claim Rejections Under 35 U.S.C. § 101**

Claims 13-18 and 21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants have canceled claim 21, and therefore the rejection of claim 21 is moot. Applicants have amended claims 13-18 as suggested by the Examiner during the telephone interview, and therefore, respectfully submit that the rejections under 35 U.S.C. § 101 have been overcome, and respectfully request that they be withdrawn.

**Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102**

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fernandez et al., U.S. Patent Publication Number 2005/0044504 (hereinafter Fernandez). Applicants respectfully traverse the rejections under 35 U.S.C. § 102. Note that claims 19-21 have been canceled, and therefore the rejections to these claims is now moot.

To anticipate a claim, the reference must teach every element of the claim (Manual of Patent Examining Procedure § 2131). As discussed during the telephone interview, Applicants teach and claim excluding graphical elements from a display screen, depending upon the type of device being used. In particular, certain graphical elements are excluded based on the size of the display screen. Fernandez purports to teach modifying the appearance of user interface components, a process commonly referred to as “skinning” (Fernandez, paragraph [0015]). Applicants respectfully submit that Fernandez does not anticipate Applicants’ independent claims, as amended, because Fernandez does not teach every element of independent claims 1, 7, and 13. Using independent claim 1 as an exemplary claim, Applicants teach and claim the following:

- retrieving a plurality of element properties corresponding to a plurality of elements, wherein the elements are adapted to be displayed on a display device, and wherein the element properties of at least one of the elements includes one or more excluded environment identifiers;

- identifying one or more display environment identifiers corresponding to the display device, wherein a first display environment identifier corresponds to a size of a display screen of the display device;
- comparing the display environment identifiers with the excluded environment identifiers;
- in response to the comparing, determining that a first element has a first excluded environment identifier that matches the first display environment identifier for the display device;
- in response to the comparing, determining that a second element does not have any excluded environment identifiers that match the first display environment identifier for the display device; and
- in response to the determinations, displaying, on the display device, one or more of the elements, wherein the first element is not displayed and wherein the second element is displayed.

Applicants teach and claim elements that “are adapted to be displayed on a display device.” Elements include corresponding element properties. An element property may be “an excluded environment identifier.” Applicants further teach and claim that there are “one or more display environment identifiers corresponding to the display device, wherein a first display environment identifier corresponds to a size of a display screen of the display device.” If a first element includes a first excluded environment identifier that matches the first display environment identifier (i.e. the display environment identifier that is specifically claimed to correspond to the size of the display screen) for the display device, then the first element is not displayed. On the other hand, if a second element does not have any excluded environment identifiers that match the first display environment identifier (i.e. the display environment identifier that is specifically claimed to correspond to the size of the display screen) for the display device, then the second element is displayed.

In contrast to Applicants' claimed invention, Fernandez discloses modifying the appearance of user interface components (Fernandez, paragraph [0015]), but does not determine which elements are to be displayed and which elements are not to be displayed. In particular, Fernandez does not identify display environment identifiers corresponding to a display device, where "a first display environment identifier corresponds to a size of a display screen of the display device," as taught and claimed by Applicants. Fernandez does not appear to be concerned with the size of a device's display screen.

Fernandez also does not teach comparing the device's display environment identifiers with the excluded environment identifiers of the elements and then determining which elements to display based on this comparison, as taught and claimed by Applicants. In particular, Fernandez does not teach "determining that a first element has a first excluded environment identifier that matches the first display environment identifier for the display device," "determining that a second element does not have any excluded environment identifiers that match the first display environment identifier for the display device," and then "displaying, on the display device, one or more of the elements, wherein ***the first element is not displayed*** and wherein the second element is displayed," as taught and claimed by Applicants. In contrast, Fernandez appears to display every element. According to Fernandez, "a control author may define a custom theme schema . . . The custom theme schema may define enumerations, properties, parts, and states ***in addition to*** those defined in the system schema field, thereby ***effectively extending the system or base theme schema***" (Fernandez, paragraph [0046]). The custom theme schemas disclosed by Fernandez may add to a base schema, but Fernandez does not exclude elements from being displayed on a display device. As discussed in Fernandez, a theme manager displays a common control "in accordance with the base schema," and displays a custom control "in accordance with the custom schema" (Fernandez, paragraphs [0048] and [0049]). However, Fernandez does not discuss any situation where controls, or any other type of elements, are not displayed. In particular, Fernandez does not make a decision to exclude any element

from display based on a comparison of the element's excluded environment identifiers with display environment identifiers.

Based on the above discussion, Applicants respectfully submit that independent claims 1, 7, and 13, and the claims which depend from them, are not anticipated by Fernandez, and respectfully request that they be allowed.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By /Leslie A. Van Leeuwen, Reg. No. 42,196/  
Leslie A. Van Leeuwen, Reg. No. 42,196  
Van Leeuwen & Van Leeuwen  
Attorneys for Applicant  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742